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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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CURTIS LEE SHEPPARD,

Plaintiff,

*versus*

BRAD LIVINGSTON, *et al.*,

Defendants.

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§  
CIVIL ACTION NO. 1:12-CV-169

**MEMORANDUM ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Curtis Lee Sheppard, proceeding *pro se*, filed this civil rights lawsuit. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court.

The defendants filed a motion asking that plaintiff's claim under the First Amendment be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6) (#83). The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be granted.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. No objections were filed to the Report and Recommendation.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. The motion to dismiss is **GRANTED**. Plaintiff's claim under the First Amendment is **DISMISSED**.

SIGNED at Beaumont, Texas, this 13th day of March, 2015.

  
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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE